



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, April 8, 2015

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

Council Member Michelle Cooper Kelly, Ward 6

PRESENTATIONS:

20150105 Atlanta Regional Commission (ARC) Award

The city's 150th Committee for the Commemoration of the Civil War won a first place award at the March 25, 2015 ARC Board Meeting for their submission in the Community Involvement & Collaboration category. The ARC says of this award, "This award recognizes local government leadership, excellence, and innovation" and is given annually for the best project in the 10-county Atlanta Metro region.

PROCLAMATIONS:

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

- * **20150280 Regular Meeting Minutes - March 11, 2015**

Review and approval of the March 11, 2015 regular meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20150202 Z2015-11 [REZONING] MARK A. DEAL

Z2015-11 [REZONING] MARK A. DEAL requests rezoning for a portion of property located in Land Lot 1161, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia and being known as 367 & 369 McArthur Drive from R-4 (Single Family Residential - 4 units / acre) to R-4 (Single Family Residential - 4 units / acre) with an additional use as a duplex. Ward 5.

The Planning Commission recommends Denial. Vote: 4-3-0

Motion: Mr. Vanderslice made a motion, seconded by Ms. McCrae to recommend denial as submitted. Mr. Kinney, Mr. Anderson and Mr. Poor opposed.

PUBLIC HEARING (All parties are sworn in)

20150205 Z2015-14 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN

Z2015-14 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN requests rezoning for property located in Land Lot 1158, District 16, Parcel 1240, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 180 Locust Street from OI (Office Institutional) to R-4 (Single Family Residential - 4 units / acre). Ward 3

The Planning Commission recommends Approval:

Vote: 6-0-1

Motion: Mr. Diffley made a motion, seconded by Mr. Rosenbury to recommend approval as submitted. Mr. Poor abstained.

PUBLIC HEARING (all parties are sworn in)

Council member Goldstein disclosed that he owns property at 195 Locust Street.

20150204 Z2015-13 [SPECIAL LAND USE PERMIT] CUSTOM DISPOSAL SERVICE, INC. (D & N INVESTORS, LLC)

Z2015-13 [SPECIAL LAND USE PERMIT] CUSTOM DISPOSAL SERVICE, INC. (D & N INVESTORS, LLC) request a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of sanitation trucks for property located in Land Lot 926, District 16, Parcels 0460 and 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 1392 & 1394 Cobb Industrial Way and currently zoned HI (Heavy Industrial). Ward 5.

The Planning Commission recommended Approval: Vote: 7-0-0

Motion: Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval as submitted.

PUBLIC HEARING (All parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

* **20150233 CDBG Final Project List**

Approval of a Resolution authorizing the submittal of the City's FFY'2015 CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, approving the use of 527,574.00 of CDBG FFY'2015 funds the City will receive from HUD.

* **20150234 CDBG YELLS Allocation**

Approval of a Resolution reallocating \$120,385 from the remaining 2011 and 2012 CDBG Marietta Park/Yells Building Renovation fund to the YWCA for building facility improvements.

2. Finance/Investment: Stuart Fleming, Chairperson

* **20150213 Donation to the Tree Preservation Fund by QuikTrip Corporation**

Approval of an Ordinance amending the Fiscal Year 2015 Tree Preservation Fund budget to receive and appropriate a donation from QuikTrip Corporation.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20150181 Pension Board Attorney**

Motion approving P.K. Kessler, P.C. with Benefits Law Group as Pension Board Attorney for the current term of Council or otherwise designated.

* **20150226 Records Retention Schedule**

Approval of an ordinance adopting a new Records Retention Schedule which follows the updated schedules issued by the Georgia Archives.

* **20150235 Rules and Procedures of Council**

Motion approving amendments to the Rules and Procedures of City Council (1-4-040(Y) pursuant to the Resolution on file with the City Clerk's office. Included in this Resolution is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

20150236 Term Limits

Motion to add a non-binding referendum to the general election ballot of November, 2016 for purposes of soliciting and receiving input from the citizens of Marietta relative to Term Limits for the members of the elected body of the offices of the Mayor and City Council in order that the term limits for Mayor would be two consecutive terms and the term limits for members of City Council would be three consecutive terms commencing with the municipal election of November, 2017 for the terms of office commencing January, 2018.

*** 20150240 Cell Tower Regulations****Amendments to the zoning ordinance regarding proposed changes to Section 712.07, Telecommunications Towers and Infrastructure.**

Motion to authorize advertisement of proposed changes to the Zoning Ordinance regarding Telecommunications Towers and Infrastructure.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson*** 20150223 “Chalktoberfest” 2015 Street Closures**

A motion approving the following street closures:

- a) North Park Square from 8 PM until 10 PM Thursday, October 8;
- b) West Park Square from 10 PM until midnight Thursday, October 8;
- c) North Park Square from 5 PM Friday, October 9 until 8 PM Sunday, October 11;
- d) West Park Square from 6 PM Friday, October 9 until 8 PM Sunday, October 11; and,
- e) Atlanta Street (Anderson St. north to and through East Park Square), Roswell St. (Waddell St. west to and through South Park Square), Lawrence St. (Waddell St. to the Square), and Cherokee St. (N. Park to Hansell St.) from 11 PM Friday, October 9 until 8 PM Sunday, October 11.

Council member Goldstein opposed.

Council Member Goldstein disclosed that he is a member of the Cobb/Marietta Museum of Art.

* **20150300 Waiver of City Code Section 10-4-070, Drinking Prohibited for ChalktoberFest 2015**

Motion to approve a waiver in accordance with City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer, wine and liquor in Glover Park, and to allow the sales of beer and wine adjacent to Glover Park during the ChalktoberFest 2015 event on October 10 & 11, 2015. The applicant shall not use the sidewalk adjacent to Glover Park to serve alcohol.

Council Member Goldstein disclosed that he is a member of the Cobb/Marietta Museum of Art.

* **20150141 Whole Hawg Happenin BBQ Festival 2015 Street Closures and Alcohol Sales and Consumption**

Motion to approve the following street closures on Sunday, September 27, 2015 from 12 AM to 11 PM:

- North Park Square;
- South Park Square;
- East Park Square;
- West Park Square;
- Lawrence St. (Waddell St. to N. Park Sq.);
- Cherokee St. (N. Park Sq. to Hansell St.);
- Church St. (Hansell to N. Park Sq.);
- Mill St. (W. Park Sq. to the railroad tracks);
- Whitlock Ave. (W. Park Sq. to the railroad tracks);
- Atlanta St. (Anderson Sq. to S. Park Sq.); and
- Roswell St. (E. Park Sq. to Waddell St.).

All for the purpose of conducting the 2015 Whole Hawg Happenin BBQ and Music Festival, stipulating that 50% percent of the net proceeds will be shared equally with the Cobb/Marietta Museum of Art, Strand Theatre, Marietta Museum of History, and Gone With the Wind Museum, with a minimum donation of one-thousand dollars (\$1000.00) to each organization.

Also, included in the motion is approval of a waiver in accordance with City Code Section 10-4-070 (C) and (E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park for the Whole Hawg Happenin' event. The applicant shall not use the sidewalk adjacent to Glover Park to serve alcohol.

Council member Goldstein disclosed that he is a general partner for and part owner of Herbert S. Goldstein Family Limited Partnership that is the landlord for Friends of the Strad, Inc., as well as, a member of the Marietta Museum of History and the Cobb/Marietta Museum of Art.

20150239 Motion to approve City Council sanctioning of a neighborhood event.

A motion to approve a request by Racheal's Rest, a division of 501c3 nonprofit Crossroads Center for Christian Ministries, Inc., and the West Marietta Community Improvement Group for City Sanctioning of a family-friendly event in the parking lot of the Whitlock Package store, 940 Whitlock Ave. on Sunday, September 20, 2015, 1:00-6:00 p.m.

5. Personnel/Insurance: Johnny Walker, Chairperson*** 20150254 City/BLW Allocation Chart**

Approval of an Ordinance adopting a change to the FY2015 City of Marietta/BLW Position Allocation Chart in order to add a Permit Clerk and delete a City Service Worker I.

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson***** 20150295 Central Business District Improvements - Dumpster Wraps**

Motion to approve dumpster wrap Option 1, designed by Donald Robson.

*** 20150305 Final design and development of construction documents for the "Option 1" Glover Park restrooms to be built underneath the stage**

Motion approving the request to move ahead with the final design for the "Option 1" of the Glover Park restrooms to be built underneath the stage and for the development of construction documents, funded by the 2009 Parks Bond.

*** 20150318 Option 2, Glover Park Restrooms**

Motion authorizing staff and the Mayor to move forward with discussions with Cobb County regarding "Option 2", which are restrooms on Cherokee Street in a new building closer to the square.

*** 20150159 Request for a crosswalk**

Motion authorizing a pedestrian crossing to be installed across Cherokee Street near Dobbs Street.

* **20150253 AT&T Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

1. AT&T permit #5FW81054N for overlash of existing FIBER along Allgood Road between Scufflegrit Road and Sawyer Road. This motion does not grant a perpetual variance. AT&T must relocate underground at their expense if other utilities at the location are moved underground.

* **20150228 Zayo Overhead Utilities**

Discussion regarding motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

1. Zayo permit #GRAMLING-002 for overlash of existing FIBER along Gramling Street from Powder Springs Street to West Atlanta Street.
2. Zayo permit #ALLGOOD-001 for overlash of existing FIBER along Elizabeth Street from Cobb Parkway to Ginn Street.

This motion does not grant a perpetual variance. Zayo must relocate underground at their expense if other utilities at the location are moved underground.

OTHER BUSINESS:

20150017 67, 77, 87 North Park Square and 85, 89 Root Street - Certificate of Approval (New Construction)

Motion to approve the proposed new building - a three (3) story four-sided brick building - as shown on the attached plans by Warner Architectural Associates dated Mar 27, 2015, with a stipulation that the elevator shaft be brought down to the original height, to be located at 67, 77 & 87 North Park Square and 85 & 89 Root Street, in Land Lot 12182, District 16, 2nd Section, Marietta, Cobb County, Georgia.

Philip M. Goldstein is the owner and Manager of Marietta Properties, LLC.

* **20150299 731 Whitlock Avenue**

Motion authorizing acquisition of temporary easement and right of way at 731 Whitlock Avenue, AKA Parcel 3, from Highland Crossing, LLC in exchange for \$16,000 for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project, as requested by Councilman Grif Chalfant.

* **20150301 201 Whitlock Avenue**

Motion authorizing acquisition of temporary easement at 201 Whitlock Avenue, AKA Parcel 32, from Margaret Anne Rose in exchange for \$2,900.00 for the purpose of constructing the Whitlock Avenue Sidewalk and Streetscape Improvement Project, as requested by Councilman Grif Chalfant.

* **20150320 MEAG Bond Validation Documents**

Motion to approve the amended and restated Bond Validation documents related to the Plant Vogtle Additional Units Project and authorize the signatures required.

* **20150281 BLW Actions of the April 6, 2015**

Review and approval of the April 6, 2015 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: